

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SRI INTERNATIONAL, INC.,  
a California corporation,

Plaintiff,

v.

INTERNET SECURITY SYSTEMS, INC.,  
a Delaware corporation,  
INTERNET SECURITY SYSTEMS, INC.,  
a Georgia corporation, and  
SYMANTEC CORPORATION,  
a Delaware corporation,

Civil Action No. 04-1199 (SLR)

Defendants.

**NOTICE OF DEPOSITION OF INTERNET SECURITY SYSTEMS, INC.**  
**PURSUANT TO FRCP 30(B)(6)**

**TO ALL PARTIES HERETO AND THEIR ATTORNEYS OF RECORD:**

Please take notice that pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendant Symantec Corporation (Symantec), by its counsel, will take the deposition by oral examination, of Internet Security Systems, Inc., a Delaware corporation, and Internet Security Systems, Inc., a Georgia corporation (collectively, ISS) on the topics set forth in the attached Schedule A, through one or more of ISS's officers, directors, or managing agents, or other persons designated by ISS to testify on its behalf, commencing at 9:30 am on April 14, 2006. Symantec requests that ISS provide written notice, at least five business days in advance of the deposition, of: (1) the name(s) of each designee who has consented to testify on behalf of ISS; (2) the job title of each such person(s); and the topics set forth in Schedule A on which each such person(s) will testify.

The deposition is to take place at the offices of King & Spaulding LLP, 191 Peachtree Street, Atlanta, GA 30303 or at such alternative dates, times, and places as may be mutually agreed upon by counsel for ISS and Symantec. The deposition shall be recorded by stenographic and videographic means before a notary public or other officer authorized by law to administer oaths, and will continue from day to day until completed, weekends and holidays excepted, with adjournments as to time and place as may be necessary. Some or all of the deposition testimony may involve real-time computer connection between the deposition taker and court reporter using software such as "LiveNote." You are invited to attend.

Dated: March 13, 2006

By: /s/ Richard K. Herrmann  
Richard K. Herrmann #405  
Morris, James, Hitchens & Williams LLP  
222 Delaware Avenue, 10th Floor  
P.O. Box 2306  
Wilmington, DE 19899-2306  
Telephone: (302) 888-6800

Counsel for Defendant  
Symantec Corporation

Lloyd R. Day, Jr. (*pro hac vice*)  
Robert M. Galvin (*pro hac vice*)  
Paul S. Grewal (*pro hac vice*)  
Day Casebeer Madrid & Batchelder LLP  
20300 Stevens Creek Blvd., Suite 400  
Cupertino, CA 95014  
Tel: (408) 873-0110  
Fax: (408) 873-0220

Michael J. Schallop (*pro hac vice*)  
Symantec Corporation  
20330 Stevens Creek Blvd.  
Cupertino, CA 95014  
Tel: (408) 517-8000  
Fax: (408) 517-8121

## SCHEDULE A

### I. DEFINITIONS

These topics are subject to, and incorporate, the following:

1. As used herein, the singular and masculine form of any noun or pronoun shall embrace and be read and applied as embracing the plural, the feminine, and the neuter, except where circumstances clearly make it inappropriate.
2. As used herein, "all" means "any and all;" "any" means "any and all."
3. As used herein, "and" and "or" encompass both "and" and "or," and references shall be construed either as singular or plural, as necessary to bring within the scope of these requests any information or documents that might otherwise be construed to be outside their scope.
4. As used herein, "communication" means any transmission of information from one entity to another, including by personal meeting, memorandum, telephone, facsimile, electronic mail, instant message, internet relay chat, news group, and teleconference.
5. As used herein, "concerning" means analyzing, addressing, consisting of, constituting, regarding, referring to, relating to, refuting, discussing, describing, evidencing, memorializing, reflecting, commenting on, or otherwise having any logical or factual connection to the subject matter of the topic.
6. As used herein, "document" shall include the broadest meaning provided by Fed. R. Civ. P. 26 and 34, all things which come within the meaning of the terms "writings and recordings" used in Fed. R. Evid. 1001, and tangible items such as research and development samples, prototype devices and production samples. "Documents" may be stored in either hardcopy or electronic form. Electronic documents include electronic mail and computer code in any form. A draft, translation or non-identical copy, such as a

copy containing comments or notations, is a separate document within the meaning of this term.

7. As used herein, "including" means "including but not limited to."
8. As used herein, "ISS" means Internet Security Systems, Inc., a Delaware corporation, and Internet Security Systems, Inc., a Georgia corporation, and the following entities, whether active or retired, full-time or part-time, current or former, compensated or not: its directors, trustees, officers, employees, advisory board members, consultants, agents, attorneys, accountants, representatives, servants, partners, corporate parents, subsidiaries, divisions, predecessors, successors, affiliates, and any joint ventures to which it is or was a party.
9. As used herein, "product" means any product, software, system, method or service, whether commercialized or not.
10. As used herein, "Proventia" means the ISS products marketed under the trade name "Proventia" that contain network intrusion detection functionality.
11. As used herein, "RealSecure" means the ISS products marketed under the trade names "SiteProtector" or "RealSecure," that contain network intrusion detection functionality.
12. As used herein, "you" and "your" mean ISS.

## II. TOPICS FOR DEPOSITION

1. The identity of each different version of RealSecure that existed and was released prior to Nov. 9, 1998.
2. The design, features, functionality, capabilities and method of operation of all versions of RealSecure released prior to Nov. 9, 1998.
3. The actual use of any training materials for RealSecure released or used in the presence of any third party prior to Nov. 9, 1998.

4. All presentations and documents given at any trade shows or meetings regarding RealSecure that were given in the presence of any third party prior to Nov. 9, 1998.
5. The contents of public websites containing information regarding RealSecure in which the information existed on the website prior to Nov. 9, 1998.
6. Sales of each RealSecure version released prior to Nov. 9, 1998.
7. The market share, annual revenue, and profitability achieved by RealSecure and Proventia for each year from 1995 – 2005.
8. The features of RealSecure and Proventia driving customer demand for RealSecure and Proventia for each year from 1995-2005.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of March, 2006, I electronically filed the foregoing document, **NOTICE OF DEPOSITION OF INTERNET SECURITY SYSTEMS, INC. PURSUANT TO FRCP 30(B)(6)**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

John F. Horvath, Esq.  
Fish & Richardson, P.C.  
919 North Market Street, Suite 1100  
Wilmington, DE 19801

Richard L. Horwitz, Esq.  
David E. Moore, Esq.  
Potter Anderson & Corroon LLP  
Hercules Plaza  
1313 North Market Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801

Additionally, I hereby certify that on the 13<sup>th</sup> day of March, 2006, the foregoing document was served via email on the following non-registered participants:

Howard G. Pollack, Esq.  
Michael J. Curley, Esq.  
Fish & Richardson  
500 Arguello Street, Suite 500  
Redwood City, CA 94063  
650.839.5070

Holmes Hawkins, III, Esq.  
King & Spalding  
191 Peachtree Street, N.E.  
Atlanta, GA 30303-1763  
404.572.4600

Theresa Moehlman, Esq.  
King & Spalding  
1185 Avenue of the Americas  
New York, NY 10036  
212.556.2100

*/s/ Richard K. Herrmann*

---

Richard K. Herrmann (#405)  
Mary B. Matterer (#2696)  
Morris, James, Hitchens & Williams LLP  
222 Delaware Avenue, 10th Floor  
Wilmington, DE 19801  
(302) 888-6800  
[rherrmann@morrisjames.com](mailto:rherrmann@morrisjames.com)

Counsel for Defendant  
SYMANTEC CORPORATION